

Appl. No. : 09/923,515
Filed : August 7, 2001

REMARKS

Applicants wish to thank Examiners McGarry and Gibbs for the courteous personal interview conducted on December 5, 2006 to discuss potential claim amendments.

Following entry of the amendments provided herewith, claims 1, 5, 7, 9, 10, 12, 15, and 41-58 will be pending. Claims 2-4, 6, 8, 11, 13, 14, and 16-40 are canceled. Claims 1 and 41 are currently amended. No new matter is introduced by way of these amendments.

Claims 1 and 41 are amended to insert proposed claim language discussed during the interview conducted on December 5, 2006. Claims 1 and 41 are amended for clarity. In particular, the phrase, "has 100% complementarity" is replaced with "is 100% complementary."

Claim Rejections

Discussion of Rejection Under 35 U.S.C. § 103

Claims 1, 5, 12, 41, 45, 46, and 54-56 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Rouy et al. in view of Skerra et al. The Examiner contends that it would have been prima facie obvious to one of ordinary skill in the art to make a non-cleaving antisense oligonucleotide 12 to 30 nucleobases in length, wherein said oligonucleotide is targeted to nucleotides 174-203 of SEQ ID NO: 3, has 100% complementarity to SEQ ID NO: 3, and comprises at least one modification, using the teachings of Rouy et al. following the method and motivation of Skerra et al. Applicants respectfully disagree.

Applicants maintain that claims 1, 5, 12, 41, 45, 46 and 54-56 are not obvious in view of the combination of Rouy et al. and Skerra et al. because the asserted combination does not teach all of the elements of any of the rejected claims. In particular, independent claims 1 and 41 require that the claimed antisense oligonucleotide be 100% complementary to SEQ ID NO: 3. As is evident from the sequence search alignment provided with the Office Action, the primer of Rouy et al. contains a mismatched nucleotide with respect to instant SEQ ID NO: 3 and is thus not 100% complementary to SEQ ID NO: 3. Accordingly, the primer of Rouy et al. does not meet the structural limitations of the claimed invention. Furthermore, the disclosure of Skerra et al. does not supply this missing element.

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In order to fully clarify the requirement that the claimed antisense oligonucleotide be 100% complementary to SEQ ID NO: 3, Applicants have implemented that Examiners' suggestion that the phrase "has 100% complementarity to SEQ ID NO: 3" be replaced with the phrase "is 100% complementary to SEQ ID NO: 3" in claims 1 and 41. In view of the foregoing amendment, it is clear that the combined teachings of Rouy et al. and Skerra et al. do not teach or suggest each and every limitation of claims 1 and 41, or any of the claims depending therefrom. Accordingly, Applicants submit that the claimed invention is not obvious in view of the teachings of Rouy et al. and Skerra et al, and request that the rejection be withdrawn.

CONCLUSION

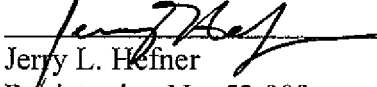
In view of the foregoing amendments and remarks, Applicants submit that the application is now in condition for allowance.

The Director is hereby authorized to charge any deficiency in any fees due with the filing of this paper or during the pendency of this application, or credit any overpayment in any fees due to Deposit Account Number 11-1410.

Respectfully submitted,

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